

REMARKS

Claims 1-20 are pending in the application. Claim 3 has been canceled.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite. The Examiner does not understand the meaning of several terms, phrases and relationships which are key to understanding the invention and scope of the claims. It is believed that these terms, phrases and relationships should have been statutorily definite upon reading the Specification. The applicant respectfully traverses the rejections for the reasons discussed below.

With regard to the meaning of ‘vacation criteria’, the Examiner is referred to the Specification at page 8, lines 16-23, and page 12, line 10 – page 16, line 5. With regard to the meaning of ‘attribute’ and how the attributes are assigned to the criteria, the Examiner is referred to the Specification at page 9, lines 1-15.

With regard to how the system provides a recommendation of a vacation destination based on selection via the user input device, the Examiner is referred to the Specification at page 10, line 11 – page 19, line 25.

With regard to the criteria being changeable dependent upon the selection of another criteria, the applicant means that the specific criteria presented to the user for

selection will vary, depend or change depending upon prior criteria selected by the user.

See the Specification at page 12, line 10 – page 13, line 2.

With respect to the wording “the computer prepares a file collecting a selected displayed vacation criteria and image files”, the Examiner is referred to the Specification at page 16, lines 7-12. At this location, the generation of a ‘postcard’ file is described which includes an array of vacation criteria (e.g., specific types of accommodations, things for kids to do, types of restaurants, types activities) and associated image files (images corresponding to the criteria).

With respect to “selecting a general type of vacation”, the Examiner is referred to the Specification at page 11, lines 4-8:

Referring to Fig. 2B, the front end module additionally requests the consumer to provide at 124 an indication of the general type of vacation that the consumer is seeking, e.g., cruise, sun and beach, activity led, countryside, safari, exploration tour, multiple locations, etc.

With respect to an ‘associated image file’, the Examiner is referred to Spec. at page 13, lines 8-14:

Referring to Fig. 6, preferably twelve criteria 170 and associated image files 172 are displayed in a two-dimensional array at 174 for each category. While each criteria has an associated image file, the image files do not refer to particular destinations, accommodations, etc., but rather are intended to convey a feeling which the consumer is trying to achieve on the vacation by selection of the criteria.

With respect to how the ranking is done, the Examiner is referred to Spec. at page 17, lines 4-12:

The consumer is then preferably requested, at 216 (Fig. 2D) and 218 (Fig. 218), to prioritize the remaining criteria by ranking the several, e.g., five, most important criteria to the consumer. The consumer ranks at 220 the most important criteria preferably with a pull down list 222 under each of the remaining criteria. This operates to weight the ranked criteria more heavily in the selection process, but preferably does not operate to eliminate the other criteria in the updated preliminary postcard file as factors in the selection process.

With respect to why the user removes criteria, the Examiner is referred to the Spec. at page 19, line 24 – page 20, line 11:

The worksheet displays the number of destinations remaining 280 after each criteria selection by the consumer. The consumer is able to edit, via selection of 'edit' buttons 282 and 'on/off' buttons 284 the reasons and see how such changes affect the recommendations. For example, Fig. 18, the worksheet 272 indicates that by changing various criteria (permitting greater rainfall at 286 and not limiting the accommodation to a resort at 288) additional recommendations 290 for a vacation destination are made by the system. Throughout the interactive selection process the number of possible options which satisfy the selection criteria are shown thereby ensuring the consumer can see the number of remaining options.

For the foregoing reasons, it is believed that the claims are clearly definite when read in connection with the applicants' Specification. Therefore, it is submitted that the above remarks obviate the § 112, second paragraph rejections.

Rejection under 35 U.S.C. § 101

Claims 11-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 11 and several claims dependent thereon have been amended to clarify that the invention is within the technological arts. The invention now uses a computer for the determination of the vacation destination, and also presents information to the user via a display coupled to the computer. Therefore, the rejection is believed to be overcome.

Rejection under § 102(b) and § 103 to Delorme

Claims 1, 3-15, 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,948,040 to Delorme. Claims 2 and 6 stand rejected as obvious over Delorme. The applicants respectfully traverse the rejections for the following reasons.

The claimed invention is distinct and non-obvious relative to Delorme for the following reasons. In accord with the invention, the user does not need to have a destination in mind when planning a vacation. Rather, the user inputs into a computer (via the selection of vacation criteria) what the user wants in a vacation destination. Such vacation criteria may include, for example, when the consumer wants to travel, the length of the vacation, the distance from home the consumer is willing to travel, a budget range, a vacation category (e.g., cruise, sun and beach, activity led, countryside, safari, etc.)

In addition, the user does not need to be able to put into words or even associate or select from amongst a list of words or phrases to define the type of vacation the user is searching out. To that end, idealized images files that represent vacation criteria are associated with the selectable criteria and presented to the user for potential selection:

For example, if a European consumer previously indicated that she wants a European or Mediterranean beach vacation and selects the category of 'destination' 166a, preferably twelve criteria are presented to the consumer; for example, 'sun, sea and sand', 'peace and quiet', 'active', 'places to explore', 'dramatic scenery', 'away from it all', 'romantic', 'lively', 'old world', 'new world', 'holiday location', and 'cultural location'. (See Spec. at page 13, lines 14-21)

Images are provided represent each of 'sun, sea and sand', 'peace and quiet', 'active', 'places to explore', 'dramatic scenery', 'away from it all', 'romantic', 'lively', 'old world', 'new world', 'holiday location', and 'cultural location', as such visual cue may be a better trigger for the user than simple words could be. Thus, it is believed that applicants' invention will provide results which are more accurate than the prior art.


In distinction, in Delorme 'representative' images are not associated with the criteria. The images in Delorme are "particular substantive information" (col. 35, lines 24-25), providing specific information on an activity or a particular destination. The images do not help convey a user's feeling to assist in making choices which are difficult to put into words (as in applicants' system), but rather provide specific information. Delorme does not operate in the claimed manner nor is there any suggestion to modify Delorme in accord therewith.

With respect to claim 11, note that Delorme specifically includes WHERE? as one of the major inquiries available when travel planning. Claim 11 is explicit in stating that "none of said inquiries requesting the user to indicate where the user wants to vacation." Thus, in claim 11, in the choices presented to the user the user does not even have a choice to select a 'WHERE?' type criteria. Delorme fails to teach this and does not suggest a system where the 'WHERE?' is absent. But this is exactly the type of system that the applicants have designed; i.e., one where a user who has no idea to where he or she wishes to travel is the ideal and intended user. The Examiner may wish to try a working version of the claimed invention at

<http://www.loud-n-clear.com/Quickheart.htm>.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



David S. Jacobson
Reg. No. 39,235
Attorney for Applicant(s)

GORDON & JACOBSON, P.C.
65 Woods End Road
Stamford, CT 06905
voice: (203) 329-1160
fax: (203) 329-1180
email: davidj@gordonjacobson.com

June 7, 2004